

d. **Remarks**

CLAIM AMENDMENTS

New claims 21 – 28 are, e.g., supported by old claims 8 – 19.

INDEFINITENESS REJECTION

Amended claim 8 does not use “or” terminology. For that reason, Applicants request that the clarity rejections be withdrawn.

ART REJECTIONS

**At pages 3 – 4, the Office Action rejects claims 8 and 12 – 15 as anticipated by U.S. Patent 4,962,052 of Spratt et al (Herein, referred to as Spratt.).**

As presented, independent claim 8 recites:

wherein the dielectric sidewall has a thickness of 500 to 1500 angstroms.

The Office Action does not cite a prior art teaching for the above-recited thickness limitation of claim 8. For that reason, claim 8 should be allowable as presented herein.

As presented, independent claim 21 recites:

the base layer comprising an extrinsic portion that laterally encircles a vertical portion of the top one of the semiconductor layers; and

a dielectric sidewall being interposed between the vertical portion of the top one of the semiconductor layers and the extrinsic portion of the base layer; ...

(underlining added).

In the cited part of claim 21, the recitation of the vertical portion implies that the first and third lines refer to the same vertical portion of the top one of the semiconductor layers. Similarly, in the cited part of claim 21, the recitation of the extrinsic portion implies that the first and fourth lines refer to the same extrinsic portion of the base layer. Thus, the cited part of claim 21 requires that the dielectric sidewall be interposed between a portion of the base layer and a portion of the top one of the semiconductor layers and also requires that the same portion of the base layer laterally encircle the same portion of the top one of the semiconductor layers.

An example of such a configuration is show in Figure 2 of the application. There, dielectric spacer 30 is interposed between extrinsic portion 29 of the base layer and the emitter layer 24,

and the same extrinsic portion 29 of the base layer laterally surrounds the same emitter layer 24.

In contrast, even if Spratt's Figures 9 – 12 show a dielectric layer 44, 84 interposed between a portion of the emitter 68 and a portion of the base 54, the same portion of the base 54 does not encircle that same portion of the emitter. That is, the configurations of Spratt's Figures 9 – 12 do not satisfy both of the above-cited limitations of new claim 21. For that reason, as applied in the Office Action, Spratt does not anticipate new claim 21.

Claims 10 – 20 are allowable, at least, by their dependence on allowable claim 8.

Claims 22 – 28 are allowable, at least, by their dependence on allowable claim 21.

#### CONCLUSIONS

For the above reasons, Applicants request allowance of claims 8 and 10 – 28 as presented here.

#### NO FEE DUE.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Deposit Account No. 12-2325** as required to correct the error.

Respectfully,



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